IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

**WRIT PETITION NO : 13523 of 2004**

Between:

K.Veerachinnappa, S/o Ramappa,
Peddapalli Village, Puttaparthy Mandalam, Anantapur District.

**..... PETITIONER**

AND

1 The Mandal Revenue Officer, Puttaparthy ,Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Joint Collector, (Civil Supply), Anantapur.

**.....RESPONDENTS**

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus declaring the impugned proceedings issued in Rc.No. 1121/02 dt. 13-7-2004 issued by the 2nd respondent as illegal, arbitrary, biased, unconstitutional and against the principles of Natural Justice and same may be set aside.

**Counsel for the Petitioner: MR.J.SREENIVASULU**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court made the following :**

**ORDER:**

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The petitioner states that he was appointed as a Fair Price Shop dealer on 06-05-2000, and since then he has been distributing the commodities to the cardholders. While so, he was served with the proceedings of the 2nd respondent-Revenue Divisional Officer, Penukonda, Anantapur Mandal, dated 13-07-2004, alleging certain irregularities in distribution of the commodities as specified thereunder and calling upon the petitioner to submit his explanation within seven days from the date of receipt of the notice. Challenging the said proceedings, this writ petition has been filed contending that all the allegations made in the proceedings, dated 13-07-2004, are incorrect and without any basis. It is also contended that the 1st respondent-Mandal Revenue Officer, Puttaparthy, Anantapur, without conducting any enquiry, has submitted a report on the basis of which, the impugned proceedings have been issued.

It is also alleged that though his authorization is subsisting, on the basis of the impugned proceedings, the respondents did not release the commodities to the petitioner for distribution to the card holders.

Now, a counter affidavit has been filed by the 1st respondent stating that as the petitioner has been selling the essential commodities at higher rates in contravention to the provisions of the A.P. State Public Distribution System Control

Order, 2001, the 2nd respondent issued the impugned proceedings, dated 13-07-2004. That apart, the authorization of the petitioner was also suspended by subsequent proceedings, dated 30-08-2004, and further enquiry is pending. As a matter of fact the impugned notice being only a show cause notice there was no adverse order as such. However, in view of the specific plea of the petitioner that the respondents have not released the stocks inspite of the fact that his authorization is subsisting, this court directed notice to the respondents and granted interim directions to release the essential commodities to the petitioner if his authorization is subsisting as on that date.

Now on a reading of the counter affidavit filed by the respondents, it is clear that during the pendency of the writ petition, by proceedings dated 30-08-2004, the authorization of the petitioner has been suspended. In view of the subsequent events, the cause in the writ petition does not survive and accordingly, the writ petition is dismissed as infructuous. No costs. However, this shall not preclude the petitioner to workout the appropriate remedy as available under law challenging the order of suspension dated 30-08-2004.

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30-09-2004

vs

To

1 The Mandal Revenue Officer, Puttaparthy ,Anantapur District.
2 The Revenue Divisional Officer, Penukonda, Anantapur District.
3 The Joint Collector, (Civil Supply), Anantapur.

4 2CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T)

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